

## 46 Am. Jur. 2d Judges § 71

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### Judges

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### VIII. Liabilities

#### A. Civil Liability

#### 2. Liability for Particular Types of Conduct

##### a. In General; Conduct Within Scope of Rule of Absolute Judicial Immunity

## § 71. Particular acts as within rule of absolute judicial immunity

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  35, 36

Judicial functions or acts entitled to absolute immunity have been held to include:

- (1) issuing citations, judgments, and sentences for contempt;<sup>1</sup>
- (2) holding preliminary hearings and denying motions;<sup>2</sup>
- (3) assigning cases and rendering decisions on pretrial matters;<sup>3</sup>
- (4) imposing jail sentences;<sup>4</sup>
- (5) directing an executive officer to bring counsel before the court;<sup>5</sup>
- (6) disbarring a lawyer without first according the lawyer an opportunity to be heard;<sup>6</sup>
- (7) denying an application for admission to a state bar;<sup>7</sup>
- (8) enforcing and arbitrating a state's rules of ethics;<sup>8</sup>
- (9) appointing a receiver;<sup>9</sup>

(10) researching the law applicable to a plaintiff's tax situation;<sup>10</sup>

(11) signing a court order and providing a copy of it to a newspaper, prior to the filing of the order with the clerk;<sup>11</sup> and

(12) entering an injunction, allegedly in conspiracy with certain private parties to deprive others of particular rights.<sup>12</sup>

Nonjudicial acts, for immunity purposes, have been held to include the selection of jurors<sup>13</sup> and the hiring and firing of court personnel.<sup>14</sup> Administrative actions, such as terminating a court employee, compiling general jury lists, and promulgating an attorney code of conduct, do not fall within the range of judicial actions protected by absolute judicial immunity.<sup>15</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Entry of order affirming dismissal of widow's wrongful death action by panel of three Appellate Court justices was judicial act, and thus justices were protected under doctrine of judicial immunity from widow's subsequent civil action alleging that justices deliberately misstated contents of record; justices were presented with controversy to be decided in their judicial capacity, and Appellate Court had subject matter jurisdiction over widow's appeal. 720 Ill. Comp. Stat. Ann. 5/32-8, 5/33-3; Ill. Sup. Ct. R. 23. *Moncelle v. McDade*, 2017 IL App (3d) 160579, 418 Ill. Dec. 206, 89 N.E.3d 1040 (App. Ct. 3d Dist. 2017).

## [END OF SUPPLEMENT]

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### Footnotes

- 1 *Malina v. Gonzales*, 994 F.2d 1121 (5th Cir. 1993); *Crooks v. Maynard*, 913 F.2d 699 (9th Cir. 1990).
- 2 *Pokrandt v. Shields*, 773 F. Supp. 758 (E.D. Pa. 1991).
- 3 *John v. Barron*, 897 F.2d 1387, 16 Fed. R. Serv. 3d 135 (7th Cir. 1990).
- 4 *Moore v. Caponera*, 99 Misc. 2d 953, 417 N.Y.S.2d 603 (Sup 1979).
- 5 *Mireles v. Waco*, 502 U.S. 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991).
- 6 *Bradley v. Fisher*, 80 U.S. 335, 20 L. Ed. 646, 1871 WL 14737 (1871); *Watts v. Burkhardt*, 978 F.2d 269 (6th Cir. 1992).
- 7 *Sparks v. Character and Fitness Committee of Kentucky*, 859 F.2d 428 (6th Cir. 1988); *LaNave v. Minnesota Supreme Court*, 915 F.2d 386 (8th Cir. 1990).
- 8 *Partington v. Gedan*, 961 F.2d 852, 74 Ed. Law Rep. 55, 22 Fed. R. Serv. 3d 580 (9th Cir. 1992), as amended, (July 2, 1992).
- 9 *New Alaska Development Corp. v. Guetschow*, 869 F.2d 1298 (9th Cir. 1989).
- 10 *Christensen v. Ward*, 916 F.2d 1462 (10th Cir. 1990).
- 11 *Carey v. Dostert*, 185 W. Va. 247, 406 S.E.2d 678 (1991).
- 12 *Sparks v. Duval County Ranch Co., Inc.*, 604 F.2d 976 (5th Cir. 1979), judgment aff'd, 449 U.S. 24, 101 S. Ct. 183, 66 L. Ed. 2d 185 (1980).
- 13 *Society of Separationists, Inc. v. Herman*, 939 F.2d 1207 (5th Cir. 1991), on reh'g, 959 F.2d 1283 (5th Cir. 1992).
- 14 *Forrester v. White*, 484 U.S. 219, 108 S. Ct. 538, 98 L. Ed. 2d 555 (1988); *Partington v. Gedan*, 961 F.2d 852, 74 Ed. Law Rep. 55, 22 Fed. R. Serv. 3d 580 (9th Cir. 1992), as amended, (July 2, 1992).
- 15 *Zeigler v. New York*, 948 F. Supp. 2d 271 (N.D. N.Y. 2013).

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